

# Order

Entered: September 11, 2002

**Michigan Supreme Court  
Lansing, Michigan**

Maura D. Corrigan,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Clifford W. Taylor  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

2002-17

Amendments of Rules 3.206, 3.214,  
3.705, 3.706, 3.708, 5.982, and  
8.119 of the Michigan Court Rules

---

On order of the Court, the need for immediate action having been found, the following amendments of Rules 3.206, 3.214, 3.705, 3.706, 3.708, 5.982, and 8.119 of the Michigan Court Rules are adopted effective immediately, pursuant to MCR 1.201(D). These amendments will be considered at a public hearing, and the Court will accept comments regarding whether to retain the amendments. Notice of future public hearings will be posted at [www.courts.michigan.gov/supremecourt](http://www.courts.michigan.gov/supremecourt). Your comments and the comments of others also will be posted at that website address. When filing a comment, please refer to file 2002-17.

[The present language is amended as indicated below.]

Rule 3.206 Pleading

(A) Information in Complaint.

(1)-(2) [Unchanged.]

(3) In a case in which the custody of a minor is to be determined, the complaint or an affidavit attached to the complaint also must state the information required by MCL 722.1209 ~~600.659~~; MSA ~~27A.659~~.

(4)-(7) [Unchanged.]

(B)-(C) [Unchanged.]

Rule 3.214 Actions Under Uniform Acts ~~the Revised Uniform Reciprocal Enforcement of Support Act (RURESA) and the Uniform Interstate Family Support Act (UIFSA)~~

- (A) Governing Rules. ~~(1)~~ Actions under the Revised Uniform Reciprocal Enforcement of Support Act (RURESA), MCL 780.151 *et seq.*; ~~MSA 25.225(1) *et seq.*~~, and, the Uniform Interstate Family Support Act (UIFSA), MCL 552.1101 *et seq.*; ~~MSA 25.223(101) *et seq.*~~, and the Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA), MCL 722.1101 *et seq.*, are governed by the rules applicable to other civil actions, except as otherwise provided by ~~that~~ those acts and this rule.
- (B) RURESA Actions.
- (21) Definition. "Support Order." As used in this subrule, ~~for RURES~~A cases "support order" is defined by MCL 780.153b(8); ~~MSA 25.225(3b)(8)~~, and for UIFSA cases is defined by ~~MCL 552.1104 (i) *et seq.*~~; ~~MSA 25.223(101) *et seq.*~~.
- ~~(B)~~ (2) Transfer; Initiating and Responding RURES
- (a)-(e) [Formerly (B)(1)-(5), redesignated, but otherwise unchanged.]
- (C) Sending Notices in UIFSA Cases. The friend of the court office shall send all notices and copies of orders required to be sent by the tribunal under ~~the Uniform Interstate Family Support Act~~, MCL 552.1101 *et seq.*; ~~MSA 25.223(101) *et seq.*~~.
- (D) Registration of Child Custody Determinations Under UCCJEA. The procedure for registration and enforcement of a child custody determination by the court of another state is as provided in MCL 722.1304. There is no fee for the registration of such a determination.

### Rule 3.705 Issuance of Personal Protection Orders

- (A) Ex Parte Orders.
- (1) [Unchanged.]
- (2) If it clearly appears from specific facts shown by verified complaint, written petition, or affidavit that the petitioner is entitled to the relief sought, an ex parte order shall be granted if immediate and irreparable injury, loss, or damage will result from the delay required to effectuate notice or that the notice will itself precipitate adverse action before a personal protection order can be issued. In a proceeding under MCL 600.2950a, the court must state in writing the specific reasons for issuance of the order. A permanent record or memorandum must be made of any nonwritten evidence, argument, or other representations made in support of issuance of an ex parte order.
- (3)-(5) [Unchanged.]

(B) Hearings.

(1)-(5) [Unchanged.]

- (6) At the conclusion of the hearing the court ~~shall~~ must state the reasons for granting or denying a personal protection order on the record and enter an appropriate order. In addition, the court ~~shall~~ must state the reasons for denying a personal protection order in writing, and, in a proceeding under MCL 600.2950a, the court must state in writing the specific reasons for issuance of the order.

Rule 3.706 Orders

(A) Form and Scope of Order. An order granting a personal protection order must include the following:

(1) [Unchanged.]

- (2) A statement that the personal protection order is effective when signed by the judge and is immediately enforceable anywhere in Michigan, and that, after service, the personal protection order may be enforced by another state, an Indian tribe, or a territory of the United States.

(3)-(4) [Unchanged.]

- (5) A statement that the personal protection order is enforceable anywhere in Michigan by any law enforcement agency, and that if the respondent violates the personal protection order in another jurisdiction, the respondent is subject to the enforcement procedures and penalties of the jurisdiction in which the violation occurred.

(6)-(7) [Unchanged.]

(B)-(E) [Unchanged.]

Rule 3.708 Contempt Proceedings for Violation of Personal Protection Orders

(A) In General.

- (1) A personal protection order is enforceable under MCL 600.2950(23) and (25), MCL 600.2950a(20) and (22), MCL 764.15b, and MCL 600.1701 *et seq.* For the purpose of this rule, “personal protection order” includes a foreign protection order enforceable in Michigan under MCL 600.2950/.

(2) [Unchanged.]

(B)-(H) [Unchanged.]

#### Rule 5.982 Enforcement of Minor Personal Protection Orders

(A) In General. A minor personal protection order is enforceable under MCL 600.2950(22), (25); ~~MSA 27A.2950(22), (25)~~, MCL 600.2950a(19), (22); ~~MSA 27A.2950(1)(19), (22)~~, MCL 764.15b; ~~MSA 28.874(2)~~, and MCL 600.1701 *et seq.*; ~~MSA 27A.1701 *et seq.*~~ For the purpose of MCR 5.981-5.989, “minor personal protection order” includes a foreign protection order against a minor respondent enforceable in Michigan under MCL 600.2950l.

(B)-(D) [Unchanged.]

#### Rule 8.119 Court Records and Reports; Duties of Clerks

(A)-(E) [Unchanged.]

(F) Sealed Records.

(1) [Unchanged.]

(2) In determining whether good cause has been shown, the court must consider,

(a) the interests of the public as well as of the parties, including, where there is an allegation of domestic violence, the safety of the alleged or potential victim of the domestic violence, and

(b) the interest of the public.

(3)-(7) [Unchanged.]

(G) [Unchanged.]

Staff Comment: The September 11, 2002, amendments of MCR 3.206, 3.214, 3.705, 3.706, 3.708, 5.982, and 8.119, which were given immediate effect, are related to the group of domestic violence statutes enacted in December 2001 that took effect April 1, 2002.

The changes in MCR 3.206 and 3.214 are related to 2001 PA 195, which adopted the Uniform Child-

Custody Jurisdiction and Enforcement Act, MCL 722.1101 *et seq.* There is also some nonsubstantive reorganization of MCR 3.214.

The amendment of MCR 3.705 implements the statutory provisions regarding the statement of reasons for granting or denying personal protection orders. See 2001 PA 196.

The amendment of MCR 3.706 incorporates the statutory provisions regarding enforceability of Michigan personal protection orders in other jurisdictions. See 2001 PA 200 and 201.

MCR 3.708 and 5.982 are amended to include foreign protection orders, which are made enforceable in Michigan by 2001 PA 197.

MCR 8.119(F) is amended to conform to 2001 PA 205, which directs that when a motion to seal court records involves allegations of domestic violence, the court is to consider the safety of the potential victim in ruling on the motion.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.